

REMARKS

Claims 1-10 are currently pending in the present application. Claims 1, 7 and 8 have been amended, and new claims 9 and 10 have been added, by the present amendment. Support for newly added claims 9 and 10 is found in original claim 8. It is believed that these amendments have not resulted in the introduction of new matter.

Applicants wish to extend their appreciation to Examiner Venkat for the indication on page 5 of the Official Action that claim 3 contains allowable subject matter.

The obviousness rejections under 35 U.S.C. § 103(a) of: (1) claims 1, 2 and 4 over Kosugi (JP 2002-154932) in view of Collin (U.S. Patent 6,491,931); and (2) claims 5, 6 and 8 over Kosugi in view of Collin and Tanaka (JP 2002-284642), are respectfully traversed.

Claim 1 recites a cosmetic composition for eyelashes comprising: polypropylene fibers having a thickness of 0.1-12 denier, and a length of 0.1-3 mm; and an oil soluble resin.

In contrast, Kosugi describes a cosmetic composition for eyelashes comprising: synthetic fibers, such as nylon and rayon, having a thickness of 1-20 denier, and a length of 0.5-5 mm; and an oil soluble resin (See e.g., abstract, [0010]).

Collin describes a cosmetic composition for keratin fibers comprising: synthetic fibers selected from a plethora of various synthetic fibers, which include among the exhaustive list thereof, nylon, rayon, and polyolefin (e.g., polypropylene), having a length of 0.1-10 mm; and an optional wax (See e.g., abstract, column 2, lines 6-35, column 4, lines 28-67, column 5, lines 1-22, and Examples 1-3). Nylon and rayon are the only synthetic fibers exemplified in the Examples of Collin.

Tanaka describes a powdered cosmetic composition comprising a resinous fraction extracted from candelilla wax having a softening temperature of 35-55°C (See e.g., [0005]).

Neither Kosugi, nor Collin, when considered alone or in combination, provide sufficient motivation and guidance to direct a skilled artisan to particularly select the claimed

polypropylene fibers from either the tremendously broad genus of synthetic fibers, or the particularly preferred nylon and rayon fibers, described therein. Even if sufficient motivation and guidance is considered to have been provided by Kosugi and Collin to direct a skilled artisan to particularly select the claimed polypropylene fibers, such a case of obviousness is rebutted by a showing of superior results, as evidenced by the comparative experimental data presented in Table 1 of the present specification, and [Table 1] appended herewith.

As shown in these Tables, the nylon fibers of Comparative Example 1, and the rayon fibers of Comparative Example 3, as described in Kosugi and Collin, fail to achieve a sufficient long lash effect and suffer from a lack of uniformity. However, the treated polypropylene fibers of Example 1 as presented in Table 1 of the present specification, and the untreated polypropylene fibers as presented in [Table 1] appended herewith, remarkably exhibit excellent long lash effect, long lasting effect, usability and uniformity.


This evidence clearly demonstrates that the presently claimed polypropylene fibers exhibit superior properties, as compared to the undesirable properties associated with the preferred nylon (polyamide) fibers and rayon (cellulose) fibers described in Kosugi (See e.g., [0010]) and Collin (See e.g., Examples 1-3). A skilled artisan could not have reasonably predicted the superior properties achieved with the claimed polypropylene fibers of the present invention. Withdrawal of these grounds of rejection is respectfully requested.

The rejection of claims 7 and 8 under 35 U.S.C. § 112, second paragraph, is obviated by amendment. Claim 7 has been amended to recite that the surface of the polypropylene fibers of the component (A) is further treated with a fluorine compound, thereby clearly indicating to a skilled artisan that the surface of the polypropylene fibers have been treated with both the silicic anhydride and the fluorine compound. Withdrawal of this ground of rejection is respectfully requested.

In conclusion, Applicants submit that the present application is now in condition for allowance and notification to this effect is earnestly solicited.

Respectfully submitted,

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[Table 1]

No.	Component	Additional Example 1	Comparative Example 1	Comparative Example 3
(1)	Stearic acid	3	3	3
(2)	Carnauba wax	5	5	5
(3)	Candelilla resin*1	5	5	5
(4)	Cetyl alcohol	1	1	1
(5)	Purified water	balance	balance	balance
(6)	Triethanolamine	1.5	1.5	1.5
(7')	Polypropylene fiber*2	2	-	-
(9)	Nylon fiber*3	-	2	-
(10)	Rayon fiber*4	-	-	2
(11)	Alkyl acrylate copolymer emulsion*5	40	40	40
(12)	Methyl p-hydroxybenzoate	0.5	0.5	0.5
(13)	Chamomile extract	0.1	0.1	0.1
(14)	Black iron oxide	8	8	8
(15)	Silica *6	5	5	5
Items of evaluation and results of determination				
a	Make-up effect (long lash effect)	OO	Δ	Δ
b	Long-lasting of make-up effect	OO	O	O
c	Usability of making-up	OO	O	O
d	Uniformity of finished film	O	Δ	Δ

Extremely favorable: OO      Favorable: O      Rather unfavorable: Δ      Unfavorable: ×

\*1: softening point 47 to 48°C

\*2: 6D, 1 mm, untreated

\*3: 6D, 1 mm, untreated

\*4: 6D, 1 mm, untreated

\*5: solid content 40%

\*6: SYLYSIA 550 (manufactured by Fuji Silysia Chemical Ltd.)